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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,823	03/06/2006	Peter Schmidkonz	A9957	7086

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EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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06/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,823	Applicant(s) SCHMIDKONZ, PETER	
	Examiner BARBARA J. MUSSER	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 18 is/are allowed.
- 6) ☒ Claim(s) 2-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/2/10 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 -17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "the respective transversal slot" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear if these transversal slots are part of the perforating tool or part of the resulting cut line.

Regarding claim 3, it is unclear how "processing of the folding or sheet edges is performed according to a perforating device" as the perforating device does not fold. It is unclear how the perforating device can be made of two symmetrical halves when symmetrical means corresponding in size shape and relative position on opposite sides of a dividing line. For the purposes of examination, this is considered to require the two

Art Unit: 1791

halves to be the same shape but offset from each other so the teeth are not symmetric about the dividing line.

Regarding claim 4 and 5, it is unclear if the punching lines of the punching tool form the perforations of claim 1 as there is no indication of what the punching tool of claims 4 and 5 does in claim 1. It is noted in claim 3, the punching tool is called a perforating device. It is suggested applicant use the same language to refer to the same elements throughout the claims. It is unclear if the punching lines are the teeth of the tool or the shapes cut into the sheet.

Regarding claim 6, it is unclear what the claim adds to claim 1 as claim 1 requires folding along the perforation, indicating the two halves must still be connected to one another. It is unclear if the transversal webs of this claim are the same as the transversal slots of claim 2 as both appear to refer to the same element, e.g. the cut lines in the sheet. It is suggested applicant use the same language to refer to the same elements throughout the claims.

Regarding claim 7, it is unclear exactly what is occurring as claim 1 indicates there are two perforation lines while claim 7 refers to only one perforation line, particularly considering that claim 7 suggests the two perforations lines are actually only one line with hinge points.

Regarding claim 8, it is unclear if the pockets are related to the perforation lines or are separate from them.

Regarding claim 10, it is unclear what this claim means as it is unclear what “transient positions” are and what “recesses” are being referred to.

Regarding claim 11, it is unclear what is meant by "the distance of the two perforation lines of the widened folding edge is altered". For the purposes of examination, this is assumed to mean the distance between the two perforation lines is altered.

5. Claim 12 recites the limitation "the transversal lines" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 13, it is unclear if this claim requires the absence of a gap between the perforation teeth as it is not in the claim, but is in the method claim this apparatus claim is dependent from.

Regarding claim 14, it is unclear if the transversal slots are part of the perforation tool or part of the cuts in the sheets.

Regarding claim 15, it is unclear how the longitudinally extending parts can only partly cut the material and yet perforate it so that it is cut through.

Regarding claim 16, it is unclear if the transversal webs of this claim are the same as the transversal slots of claim 2 as both appear to refer to the same element, e.g. the cut lines in the sheet. It is suggested applicant use the same language to refer to the same elements throughout the claims.

Allowable Subject Matter

6. Claims 1 and 18 are allowed.

7. Claims 2-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 1791

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or fairly suggest a method of connecting sheets together wherein two perforation lines are punched in a sheet which are staggered by the length of a perforating tooth and have no gaps between the punched out areas of the perforation lines. As claim 13 is dependent on claim 1, it is considered to require this feature as well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA J. MUSSEY whose telephone number is (571)272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/570,823

Page 6

Art Unit: 1791

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJM

/B. J. M./

Examiner, Art Unit 1791

/Richard Crispino/

Supervisory Patent Examiner, Art Unit 1791